THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.15617 & 15618 of 1995

-

Dated 17-03-2006

W.P.No.15617 of 1995

Between:

T.Kameswara Rao & others.

..... PETITIONER

AND

The Director General and Inspector General of Police-cum- Commandant General, Home guards, A.P., Hyderabad & another.

.....RESPONDENTS

W.P.No.15618 of 1995

Between:

K.V.Narasimha Rao & others.

..... PETITIONER

AND

The Director General and Inspector General of Police-cum- Commandant General, Home guards, A.P., Hyderabad & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.15617 & 15618 of 1995

O R D E R:

These two writ petitions are filed by the home guards assailing the action of respondents in dispensing with their voluntary services on the ground that people younger in age are waiting in queue to serve as home guards.

Facts, in brief, are that pursuant to the policy direction of the Government of India in 1963 directing the State Government to set up statutory voluntary organizations with home guards to serve as a powerful instrument for strengthening the will of the people to stand upto hardship and danger, persons between 18 to 50 years were recruited and enrolled as home guards for utilizing their services during emergencies such as cyclone, elections, V.I.P.security etc. Though the nature of work done by the home guards was purely voluntary, they were paid Rs.22 per day

and whenever their services were engaged on parade duty they were paid Rs.10 per day. The grievance of the petitioners herein is that on the ground that younger persons were available for being engaged as home guards, the respondents had issued a circular dated 22-09-1992 directing that the services of the petitioners herein not be engaged as they had advanced in age. Petitioners would refer to the Madras Home Guard Rules extended to Andhra Pradesh vide G.O.Ms.No.2609, dated 25-06-1949 and Rule 3-6 and para 1.10 of the Home Guard Compendium of Instructions, 1985, whereunder a home guard is bound to serve the provincial government for a period of three years and shall be eligible for reappointment on the expiry of that period provided that no home guard shall be continued in service after he has completed 55th year. Para 1.10 of the Home Guards Compendium of Instructions provides that the home guards is a voluntary organization. Petitioners, in their affidavit, concede that the nature of work done by them is purely voluntary. Their grievance, however, is that while in other places persons aged in about 70 years are working as volunteers, they were denied the said benefit.

Sri O.Manohar Reddy, learned counsel for the petitioners, would submit that the impugned orders are liable to be set aside on the ground that the petitioners had not been put on notice. Learned counsel would submit that since, in other places, persons far older in age than the petitioners herein are continued as home guards, it is the petitioners alone who are sought to be discriminated against and while they are fit and able to render voluntary work, their services are not being engaged on account of age.

While the submission of the learned counsel cannot be said to be without merit and mere advance in age cannot be said to render a person unfit for voluntary services, more particularly, when a person is inclined to do so, on the petitioners' own admission that the work which they were discharging was purely voluntary and they are not in the employment of the respondents, it cannot be said that failure to put them on notice would render the action of the respondents in disengaging their services arbitrary and illegal. While it is not for this Court to determine as to whether the petitioners are fit and able to discharge the voluntary nature of work associated with home guards, the action of the respondents in seeking to have younger persons as home guards cannot be faulted. While persons older in age are continued as home guards elsewhere, that by itself would not enure to the benefit of the petitioners herein to seek a direction that they should also be continued as home

guards. Since the very nature of work is voluntary, if the respondents do not wish to utilize their services, I do not see any reason as to why the petitioners should impose themselves on the respondents for there are several other areas where they could very effectively render their services voluntarily.

The writ petitions filed are without merit and are accordingly dismissed. No order as to costs.

_____

17-03-2006

usd